



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Steve Tate, Mayor	Steve Tate, Chair
Greg Sellers, Mayor Pro Tempore	Greg Sellers, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Marby Lee, Council Member	Marby Lee, Agency Member
Marilyn Librers, Council Member	Marilyn Librers, Agency Member

WEDNESDAY, MARCH 25, 2009

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

AND

REDEVELOPMENT AGENCY REGULAR MEETING

7:00 P.M.

CALL TO ORDER

(Mayor Pro Tempore/Vice Chairperson Sellers)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATION

Honoring Disaster Service Workers

Jennifer Ponce, Office of Emergency Services

CITY COUNCIL REPORTS

Council Member Lee

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER CITY COUNCIL REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL AND FOR THE REDEVELOPMENT AGENCY. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK/AGENCY SECRETARY.

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 1-14 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

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Consent Calendar: 1 - 10 Minutes

1. **AWARD LLAGAS ROAD WATER MAIN PROJECT** 1
Recommended Action(s):
 1. **Approve** Project Plans and Specifications,
 2. **Award** Contract to Granite Construction Company for the Llagas Zone Water Main Project in the Amount of \$389,389; and
 3. **Authorize** Expenditure of Construction Contingency Funds Not to Exceed \$58,408.

2. **ACCEPTANCE OF THE MORGAN HILL DEVELOPMENT SERVICES CENTER PROJECT** 5
Recommended Action(s):
 1. **Accept** as Complete the Development Services Center Project in the Final Amount of \$2,304,277.55 and Direct the City Clerk to File the Notice of Completion with the County Recorder's Office,
 2. **Authorize** \$42,815 for Rodan Builders Contract Change Orders for the City Hall HVAC Renovations Project from Budget Surplus; and
 3. **Authorize** Funding of Staff Recommendations for Additional Budget Surplus Uses.

3. **FEBRUARY 2009 FINANCIAL AND INVESTMENT REPORTS** 9
Recommended Action(s): **Accept** and **File** Report.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
4.	<u>APPROVE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE MEETING MINUTES OF FEBRUARY 6, 2008</u>	39
5.	<u>APPROVE SPECIAL COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE MEETING MINUTES OF FEBRUARY 27, 2008</u>	41
6.	<u>APPROVE SPECIAL COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE MEETING MINUTES OF MARCH 21, 2008</u>	43
7.	<u>APPROVE SPECIAL COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE MEETING MINUTES OF APRIL 11, 2008</u>	45
8.	<u>APPROVE SPECIAL COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE MEETING MINUTES OF APRIL 30, 2008</u>	47
9.	<u>APPROVE REGULAR AND SPECIAL COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE MEETING MINUTES OF JUNE 4, 2008</u>	49
10.	<u>APPROVE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE MEETING MINUTES OF SEPTEMBER 3, 2008</u>	51
11.	<u>APPROVE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE MEETING MINUTES OF OCTOBER 1, 2008</u>	53
12.	<u>ADOPT ORDINANCE NO. 1925, NEW SERIES</u> Recommended Action(s): <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1925, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING ORDINANCE NO. 1621, NEW SERIES, TO EXCLUDE THE FORD STORE DEALERSHIP FROM THE DEVELOPMENT PLAN AND GUIDELINES FOR THE HORIZON LAND PD LOCATED AT THE NORTHEAST QUADRANT OF EAST DUNNE AVENUE AND HIGHWAY 101 (ZAA-98-16B: Condit-Horizon)	55
13.	<u>ADOPT ORDINANCE NO. 1926, NEW SERIES</u> Recommended Action(s): <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1926, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT TO ESTABLISH A DEVELOPMENT PLAN AND GUIDELINES FOR A PLANNED DEVELOPMENT AREA AT THE SOUTHWEST CORNER OF CONDIT ROAD AND DIANA AVENUE FOR THE CONSTRUCTION OF THREE NEW AUTO DEALERSHIPS AND ONE EXISTING DEALERSHIP (ZA-98-06: Condit-Kubo)	69
14.	<u>ADOPT ORDINANCE NO. 1927, NEW SERIES</u> Recommended Action(s): <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1927, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE DEVELOPMENT AGREEMENT FOR APPLICATION, MP-01-06: SAN PEDRO-DI CONZA (DAA-07-02C: Cory-Habitat for Humanity)	79

Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 15

Time Estimate

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Consent Calendar: 1 - 10 Minutes

15. **FEBRUARY 2009 FINANCIAL AND INVESTMENT REPORTS** 85
Recommended Action(s): **Accept** and **File** Report.

City Council Action

PUBLIC HEARINGS:

Time Estimate

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16. **10 Minutes** **DOWNTOWN DEVELOPMENT IMPACT FEE EXEMPTION**95
Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
Action- **Motion to Waive** the First and Second Reading in Full of Ordinance.
Action- **Motion to Introduce** Ordinance by Title Only. (Roll Call Vote)

Redevelopment Agency Action

PUBLIC HEARINGS:

Time Estimate

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17. **10 Minutes** **CENTRAL COAST TOBACCO COMPANY – LEASE TERMINATION AND NEW LEASE**103
Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
Action- **Authorize** the Executive Director to Execute the Lease Termination Agreement Between the Morgan Hill Redevelopment Agency and Central Coast Tobacco Company, LLC, a California Limited Liability Company, and Implement the Provisions of the Agreement, Including Execution of a New Lease.

City Council Action

OTHER BUSINESS:

Time Estimate

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18. **30 Minutes** **OUTDOOR SPORTS CENTER RENTAL RATES**129
Recommended Action(s): **Approve** the Proposed Outdoor Sports Center Rental Rates.

FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

NOTICE

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act that are distributed to a majority of the legislative body less than 72 hours prior to an open session, will be made available for public inspection at the Office of the City Clerk at Morgan Hill City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 at the same time that the public records are distributed or made available to the legislative body. (Pursuant to Government Code 54957.5)

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.